Filed 6/21/10 In re Adam L. CA2/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re ADAM L., a Person Coming Under the Juvenile Court Law.	B219677 (Los Angeles County Super. Ct. No. VJ31453)
THE PEOPLE, Plaintiff and Respondent, v. ADAM L., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County. Gary Y. Tanaka, Judge. Affirmed.

Lynette Gladd Moore, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Scott A. Taryle and Beverly K. Falk, Deputy Attorneys General, for Plaintiff and Respondent.

The trial court ordered community camp placement, after finding that Adam L. (appellant) had committed the crime of felony vandalism. (Pen. Code, § 594.) Appellant argues that the evidence was insufficient to prove the crime was a felony—that the damage was valued at more than $400. We affirm.

PROCEDURAL AND FACTUAL BACKGROUND

Kevin Keene was driving a 2007 Mercedes-Benz C-Class in the Montebello area of Los Angeles County on Whittier Boulevard. At about 10:30 p.m. on June 12, 2009, he was in the parking lot of Aamco Transmission when he noticed two individuals approaching him. Keene identified one of the individuals as appellant. The two individuals began flashing gang signs at Keene. As Keene was attempting to leave the parking lot, the individuals ran after the car and began punching and kicking the car's hood, side panel, and roof. Immediately after the incident occurred, Keene called the police. Keene showed a police officer that the punching and kicking had caused numerous dents and told the officer that he estimated it would be $1,000 to repair the damage. Keene testified that he later paid someone $1,000 to repair the car.

Mayra Medrano testified in appellant's defense that Keene struck appellant with his car, causing appellant to become upset. Appellant did not limp or receive medical attention after Keene hit appellant with the car.

The district attorney filed a petition under Welfare and Institutions Code section 602, alleging that appellant, a minor, committed vandalism over $400, in violation of Penal Code section 594, subdivision (a), a felony. Prior to his hearing on the instant petition, appellant was on probation ("home on probation") but was found to have violated that probation by engaging in vandalism as alleged in this petition. On August 28, 2009, appellant was ordered to camp placement as a result of this probation violation.

On September 22, 2009, the trial court found the allegation that the appellant committed felony vandalism true. On October 1, 2009, the trial court ordered appellant to remain a ward of the court and to continue in camp placement. On appeal, appellant

asserts that there is insufficient evidence to convict him of a felony rather than a misdemeanor.

DISCUSSION

Appellant contends that the trial court incorrectly concluded that there was sufficient evidence that appellant committed felony rather than misdemeanor vandalism. We disagree.

"Felony vandalism prohibits the malicious destruction of property causing damage of $400 or more. Misdemeanor vandalism shares the same elements except it applies to property damage less than $400." (*Sangha v. LaBarbera* (2006) 146 Cal.App.4th 79, 87, fn. 6.) "When considering a challenge to the sufficiency of the evidence to support a conviction, we review the entire record in the light most favorable to the judgment to determine whether it contains substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt." (*People v. Lindberg* (2008) 45 Cal.4th 1, 27.)

The testimony of a single witness is ordinarily sufficient for the proof of any fact. (*People v. Avila* (2009) 46 Cal.4th 680, 703.) "Once the victim makes a prima facie showing of economic losses incurred as a result of the defendant's criminal acts, the burden shifts to the defendant to disprove the amount of losses claimed by the victim." (*People v. Gemelli* (2008) 161 Cal.App.4th 1539, 1543.)

Here, Keene testified that he told a police officer that it would cost approximately $1,000 to repair his car. He also testified that he paid $1,000 to repair his car. Keene's testimony is sufficient to establish that the damage appellant caused to Keene's car was more than $400. Appellant did not present any evidence to contradict Keene's testimony about the amount of damage caused to the car. Although both appellant and the trial court found it curious that Keene stated minutes after the incident that repairs would cost $1,000, and that was how much the repairs cost, that does not mean the testimony is unreasonable. A reasonable trier of fact may have thought that Keene may have been familiar with cars or car body work, making it feasible for him to estimate how much the

cost of repairs would be. He also may have made a deal for someone to repair his car for $1,000.

Appellant cites *People v. Vournazos* (1988) 198 Cal.App.3d 948, 959, where the court held that cost of repair of the victim's property was not established when the court relied solely on the amount provided by the defendant's probation officer, who gleaned the amount from the victim's statement of loss. However, *Vournazos* is readily distinguished from the present case because, here, the victim testified himself and could therefore be cross-examined, questioned, and have his credibility more fully weighed.

DISPOSITION

The order of wardship is affirmed.

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BOREN, P.J.

We concur:

DOI TODD, J.

ASHMANN-GERST, J.